

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JEFFREY PRATT, : **CIVIL ACTION NO. 1:04-CV-1083**

Plaintiff : **(Judge Conner)**

v. :

ROBERT SHANNON, et al., :

Defendants :

JEFFREY PRATT, : **CIVIL ACTION NO. 1:04-CV-1108**

Plaintiff : **(Judge Conner)**

v. :

SERGEANT CISKO, et al., :

Defendants :

JEFFREY PRATT, : **CIVIL ACTION NO. 1:04-CV-1313**

Plaintiff : **(Judge Conner)**

v. :

BARBARA MALEWSKI, et al., :

Defendants :

ORDER

AND NOW, this 21st day of July, 2005, upon consideration of plaintiff's "notice to withdraw," in which plaintiff, proceeding pro se and *in forma pauperis*,

requests that the above-captioned cases be dismissed¹ and that he “be relieved of any further [p]ayments” towards satisfaction of the full filing fees for bringing these cases, and it appearing that defendants object to dismissal of the above-captioned cases without prejudice, see FED. R. CIV. P. 41(a)(2) (“[A]n action shall not be dismissed at the plaintiff’s instance save upon order of the court and upon such terms and conditions as the court deems proper.”), and that voluntary dismissal of the above-captioned cases would not relieve plaintiff of his obligation to satisfy the full filing fees for bringing these cases, see 28 U.S.C. § 1915(b)(1) (“[I]f a prisoner brings a civil action or files an appeal in forma pauperis, the prisoner *shall be required* to pay the full amount of a filing fee.”) (emphasis added); see also Goins v. Decaro, 241 F.3d 260, 262 (2d Cir. 2001) (“[W]e are not at liberty to read into [28 U.S.C. § 1915] judicial authority to cancel remaining indebtedness for withdrawn [actions].”) (citing Williams v. Roberts, 116 F.3d 1126, 1127 (5th Cir. 1997); McGore v. Wrigglesworth, 114 F.3d 601, 605 (6th Cir. 1997)); Thorpe v. Snyder County Domestic Relations Section, No. 1:05-CV-0716, 2005 WL 1155011, at *1 (M.D. Pa. Apr. 29, 2005) (noting that voluntary dismissal of action does not permit partial or total refund of filing fee), it is hereby ORDERED that plaintiff shall file, on or before August 1, 2005, a response showing cause why the above-captioned cases should

¹ These cases have been consolidated solely for purposes of this decision. See FED. R. CIV. P. 42.

not be dismissed with prejudice.² Failure to file a timely response will be deemed a request that the above-captioned cases be dismissed with prejudice. See FED. R. CIV. P. 41(a)(2).

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge

² A similar order, directing plaintiff to file a response to defendants' objections to the notice to withdraw on or before July 25, 2005, was issued by Magistrate Judge J. Andrew Smyser in the case docketed as Civil Action 1:04-CV-1083 on July 11, 2005. This decision is not meant to supersede that order or to derogate in any way from Judge Smyser's authority over pre-trial matters in that case. See 28 U.S.C. § 636. Rather, it is simply intended to expedite disposition of these cases by ensuring a consolidated response to the issues raised by the notice to withdraw and objections thereto.